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May 27, 2016

By ECF

Hon. Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Griffin v. City of New York, et al.
No. 14 CV 7329 (NRB) (HBP)

Dear Judge Buchwald:

I am the attorney in the Office of the Corporation Counsel assigned to represent the City Defendants¹ in the above-referenced matter. I write to request an extension of the deadline for City Defendants to produce the balance of relevant electronically stored information (ESI).

The City Defendants have been diligently engaged in locating and producing large quantities of relevant discovery, including approximately 8,000 pages of documents and electronically stored information, and thousands of hours of video footage related to the underlying events of this case. In addition, the City Defendants have also agreed to produce relevant emails of eighteen City custodians and additional *Monell* discovery related to inmate deaths that have occurred on Rikers Island over a four-year period.

During a discovery conference on April 11, 2016, the Court directed the City Defendants to produce the remaining ESI and *Monell* discovery on or before May 26, 2016. Since that time, we have completed the review and redaction (where appropriate) of the remaining *Monell* discovery and produced those documents yesterday. We have also reviewed

¹ "City Defendants" refers to the City of New York, former New York City Department of Correction (DOC) Commissioner Dora B. Schriro, former DOC Chief of Department Evelyn Mirabal, and former Warden Rose Agro.

and redacted (where appropriate) several hundred emails and associated attachments, also produced yesterday.

However, the ESI production remains only partially complete. Upon closer scrutiny of the search results of the electronic information, it has become apparent that the documents associated with the potentially relevant emails are much more numerous and lengthy than I originally anticipated or understood. There are in fact over 11,000 documents to be reviewed and redacted. In light of this volume, we are now engaging an outside vendor for additional support to complete the review. I am given to understand that a vendor will be able to prepare the remaining emails for production within 30 days, or by June 27, 2016, with a corresponding privilege log within 14 days thereafter. We have agreed with Plaintiffs to produce the remaining ESI in batches, in order to facilitate the scheduling of the City Defendants' depositions shortly after the production is complete. Accordingly, we respectfully request that the Court permit an extension of approximately forty five days, or until Monday July 11, 2016 to produce the remaining relevant emails and privilege log.

This is City Defendants' first request to extend the Court's deadline for production of the balance of the ESI. I have consulted with Plaintiff's counsel and counsel for the Corizon defendants, neither of whom have any objection to this request. I apologize for submitting this letter subsequent to the Court's deadline—my office was awaiting a response from Plaintiff's counsel regarding their position vis a vis this request and did not receive one until this afternoon.

Thank you for your consideration.

Respectfully submitted,

/s/

Mark G. Toews
Senior Counsel

MEMO ENDORSEMENT
5/31/16

c. By ECF and Email
all counsel